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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL MAIDEN,

Defendant.

Case No. 2:11-cr-00046-APG-VCF

**ORDER DENYING MOTION TO  
CORRECT CLERICAL ERROR**

(ECF No. 56)

Defendant Michael Maiden filed a motion seeking to correct an alleged clerical error in his sentence so that it gives him credit for the 20 months that he was in state court custody prior to his federal sentencing. ECF No. 56. In the alternative, Maiden requests that I give him “nunc pro tunc credit” for that same period. ECF No. 63. The Government opposes the motion. ECF No. 59.

Maiden was sentenced by Senior Judge Roger L. Hunt. ECF No. 53. I have reviewed the transcript of the sentencing hearing (ECF No. 58). The transcript contains no discussion about credit for time served in state custody or running the federal sentence concurrent with or consecutive to the state sentence. Nor does the parties’ plea memorandum contain any such discussion. ECF No. 50. Maiden believes the discussion occurred after the court reporter stopped reporting at the sentencing hearing. ECF No. 63 at 1. But there is no evidence of any such discussion, the government does not agree with Maiden’s request, and I have no reason to alter the judgment entered by Judge Hunt. Maiden’s motion will be denied.

Maiden also requests that I state whether I object to his request that the federal Bureau of Prisons “grant him a ‘nunc pro tunc’ designation of the Nevada State Prison for service of his federal sentence, in order to accommodate the State Court’s Judgement (sic) Order that the State Sentence be concurrent to the Federal Sentence.” ECF No. 56 at 3. I have no information regarding the state court’s sentencing, particularly whether the state court ordered Maiden’s time be served concurrently or consecutively to the federal sentence. And again, there is nothing in the federal

1 record about that issue. Therefore, I take no position on Maiden's request to the federal Bureau of  
2 Prisons.

3 IT IS HEREBY ORDERED that the defendant's motion to correct clerical order (ECF No.  
4 **56**) is **DENIED**.

5 Dated: August 4, 2017.

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ANDREW P. GORDON  
9 UNITED STATES DISTRICT JUDGE  
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